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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,877	06/27/2005	Hiroyuki Kanza	0020-5389PUSI	1761
2292 7590 10/10/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER KARIKARI, KWASI	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/540,877	KANZA, HIROYUKI	
	Examiner	Art Unit	
	Kwasi Karikari	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attachment
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

1. This Advisory Action is in response to the Amendment After-Final filed 09/21/2007. Claims 1,3-8 and 10 are currently pending in the application.

Response to Arguments

2. Applicant's arguments filed 09/21/2007 have been fully considered but they are not persuasive.

a. In the remarks, the Applicant argues (in reference to claim 1) that Welling fails to teach;

[“a situation acquiring means for acquiring situation information about a situation in which an operation has been performed; and a situation and operation storage means for storing the situation information acquired by the situation acquiring means and operation information about the operation performed then in an associated manner”].

The Examiner respectfully disagrees with such an assertion. See below for further clarification from Welling's reference.

Welling discloses that database 50 contains station ids (i.e., user's station ids has been acquired in the database) and an association of a calling origination information and the station ids in the database triggers a service application program which invokes and selects a message to be sent a subscriber (see col. 3, line 25- col. 4, line 58; whereby the trigger service application program which invokes and selects a message to be sent a subscriber, is been associated with “operation”).

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b. Furthermore, the Applicant stated (in reference to claim 1) the claimed limitations, [“a situation hierarchy storage means for storing at least the situation information acquired by the situation acquiring means in a hierarchical structure”]; and argues that [“there is no description in Welling, Jr. et al. that of the list of numbers stored in the database are stored in a hierarchical structure. A hierarchical structure requires some sort of tree structure which clearly is not disclosed in welling, jr. et al.” Wikipedia defines “tree structure” as: a tree structure is a way of representing the hierarchical nature of a structure in a graphical form. It is named a “tree structure” because the graph looks a bit like a tree, even though the tree is generally shown upside down compared with a real tree; that is to say with the root at the top and the leaves at the bottom”], (see remarks; Page12).

The Examiner maintains that even though Welling does not use the claimed language “hierarchical nature”, Welling disclosure of the **“list of numbers stored in the database”** in association with the service application program, reads on the claimed limitation of storing information in a **“hierarchy storing means”**

Next, the Applicant fails to define the claimed limitation “hierarchy” as “tree structure” in the claim and the specification. Therefore, Welling discussion of storing the calling information in association with the service application meets the claimed limitation “ hierarchy storage means”

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c. Regarding the Applicant argument (in reference to claim 1) that Welling fails to describe [“when the situation comparing means indicates that the current situation information does not agree with any of the stored situation information, adapting an operation procedure to be executed by the operation procedure executing means to a current situation when, as a result of the search by the broader concept searching means, a broader concept of a situation information on the current situation agrees with that of a situation information stored in the situation and operation storage means”], the Examiner maintains that such claimed limitation are taught by Welling (see, execution of sponsored message if called number/ID is matched with number/ID in the database, see col. 3, line 56- col. 4, line 58; col. 5, lines 12-42 and col. 6, lines 53-67). In addition Welling mentions that triggering is initiated based on the **present or the absence** of a particular data contained in the calling origination information (see col. 4, lines 13-33).

d. In remarks, the Applicant argues (in reference to claim 7), that [“Lange fails to disclose the features described above with respect to the amended independent claim 1”]. The Examiner maintains that Lange discloses the features described above with the respect to the amended independent claim 1 (see col. 6, lines 6-33 and col. 5, lines 28-63; col. 5, line 28- col. 6, line 33 and col. 7, lines 9-28).

The Applicant also argues that Lange et al. does not [“adapt transmitting a message from the telecommunications device to the remote service center to a situation of having no stored trigger configuration signal match a condition (monitored by the telecommunications device) as there is no search made of a broader concept for which

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agreement with can possibly be made.”]. Examiner noticed that the claimed features upon which the Applicant relies are not recited in the rejected claim 7. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on the above remarks, the rejections using Welling and Lange are proper and maintained as shown in the Final Office Action. Any changes to the claims to further clarify the Applicant's invention would require further search and reconsideration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

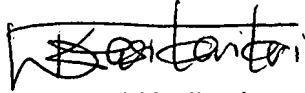
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private


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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).



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10/01/2007



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